

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANNE CRABBS, et al.,

Plaintiffs,

v.

**Civil Action 2:16-cv-387
Judge Algenon L. Marbley
Magistrate Judge Jolson**

RASHAD PITTS, et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiffs Anne and James Crabbs' unopposed Motion for Order Substituting Party pursuant to Fed. R. Civ. P. 25(a)(1). (Doc. 48). The Motion states that Plaintiff Keith Crabbs passed away intestate on May 31, 2017, and thus seeks to substitute "'Anne Crabbs, personal representative of Keith Crabbs, deceased' as Plaintiff in the stead of Keith Crabbs." (*Id.* at 1).

Rule 25 governs the substitution of parties upon the death of a litigant, and provides in relevant part as follows:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1). Although a suggestion of death has not been filed in this case, "a motion to substitute may be made by any party or by the representative of the deceased party without awaiting the suggestion of death." Fed. R. Civ. P (25), Advisory Committee Note to 1963 Amendment; *see also United States v. Currency \$11,331*, 482 F. Supp. 2d 873, 886 (E.D.

Mich. 2007). For this reason, and for good cause shown, the Motion for substitution is **GRANTED**, and it is **ORDERED** that “Anne Crabbs, personal representative of Keith Crabbs, deceased” shall be substituted for Keith Crabbs.

IT IS SO ORDERED.

Date: June 13, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE